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June 10, 2024

City of Tumwater
555 Israel Rd SW
Tumwater, WA 98501

RE: Three Lakes Crossing – Fence Variance Findings

Dear Tumwater Community Development:

This written statement is being provided to request a variance to the Fence Code standards found in TMC 18.46. The request for a variance is being sought to allow a side yard and corner section of fence adjacent to Lot 29 of the plat to remain at 72” in height instead of the reduced height of 42” and 36” required by code.

In order for the City to grant a variance request there are 5 criteria that need to be met. Please see those criteria below in *italics* with applicant responses provided.

- 1. That special conditions exist which are peculiar to the land, such as size, shape, topography, or location, not applicable to other lands in the same district, and that literal interpretation of the provisions of this title would deprive the property owners of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;*

Applicant Response: Please reference the site plan and sight distance exhibit included with this letter. The sight distance triangles for the intersection show that with the fence at full 72” height there are zero impacts to visibility or sight distance. With the fence as it is currently constructed and located there would be unimpeded line of sight for traffic entering and leaving the site. The removal or reduction of this fence to 42”/36” would only serve to reduce privacy for the home. In addition, Lot 29 sits lower than the road grade so with a reduced fence height this lot would have an even further reduction of privacy. This could result in prowlers having free reign to peer into their backyard and with a low fence of 36” they would have easy access to the property. The intent of the fence height restriction is to provide clear line of sight for traffic at corners. This makes sense at a true 90° corner. However, this corner is rounded with a 25’ right of way radius and effectively that results in the fence being set back from the intersection sufficiently to meet the intent of the code without reducing the height. A fence height of 72” is standard in all forms of residential home building throughout all jurisdictions. Without a specific need for added sight distance there is no justifiable reason to require the fence be reduced at the corners and along a side yard adjacent to a road.

2. *That the special conditions and circumstances are not the result of actions of the applicant;*

Applicant Response: The city requires that intersections have a radius where two roads meet. This results in the property line and eventual fence line being set back from the road and allowing for full sight distance even with a 72" tall fence. The City standard negates the need for a reduced side yard and intersection fence height for increased sight distance. The removal and shortening of the fence will not result in any additional sight distance.

3. *That the granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;*

Applicant Response: The granting of this variance will not confer a special privilege to the property that would be denied other lands in the same district. The fence code applies throughout the City and is applicable in a majority of cases. However, in this case where the road standards result in a large open right of way with a generous radius, there is no added benefit to sight distance by the reduction of the fence height.

4. *That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity and zone in which the subject property is situated; and*

Applicant Response: The granting of the variance will not be materially detrimental to the public welfare or injurious to the property. As stated previously, there is ample sight distance for vehicles and pedestrians entering and leaving the project. All factors of safety and functionality have been met and exceeded. Allowing this variance will help to bolster neighborhood cohesiveness and uniformity. Also, as stated before, allowing the fence to remain at 72" in height will provide for a higher level of security and privacy for the future homeowners of Lot 29.

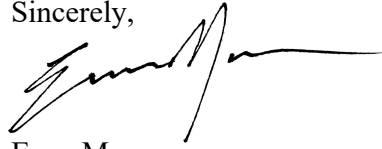
5. *That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land.*

Applicant Response: The proposed variance is minimal in scale and scope and allows for a reasonable expectation of privacy and uniformity in the plat. The reduction of this one section of fence in a plat of 45 lots would result in Lot 29 being subject to a different standard than the remainder of the lots in the plat. This is only sensible given the design of the intersection resulting in ample sight distance being met and all factors of safety being provided for.

The fence was constructed as proposed in this request and has been allowed to remain in place until a final decision has been made on this variance. We truly appreciate the accommodation the City has made in this regard and hope for a positive decision on this variance request.

Please feel free to reach out to me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evan Mann', with a long horizontal flourish extending to the right.

Evan Mann
Entitlement Manager
Copper Ridge, LLC